

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

PEOPLE FOR THE ETHICAL  
TREATMENT OF ANIMALS, INC.,

Movant,

v.

VITAL FARMS, INC.,

Respondent.

Case No. \_\_\_\_\_

Related Case No.: 1:21-cv-00447 (W.D. Tex.)

**DECLARATION OF MELISSA ALPERT IN SUPPORT OF PEOPLE FOR THE  
ETHICAL TREATMENT OF ANIMALS, INC.'S MOTION TO QUASH**

I, Melissa R. Alpert, declare as follows:

1. I am over eighteen years of age, have personal knowledge of the matters set forth in this declaration, except as otherwise stated; and if called and sworn as a witness could competently testify thereto.

2. I am an Associate at the law firm K&L Gates LLP, and an attorney for Movant People for the Ethical Treatment of Animals, Inc. ("PETA").

3. This Declaration is filed in support of PETA's Motion to Quash the Nonparty Subpoena issued by Vital Farms, Inc. ("Vital Farms") in connection with *Nicholas Usler, et al. v. Vital Farms, Inc.*, Case No. 1:21-cv-00447 (W.D. Tex.) ("Usler").

4. The following exhibits are being offered to support PETA's Motion to Quash:

- **Exhibit A**: A true and correct copy of Vital Farms, Inc.'s Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served to PETA on November 18, 2022.

- **Exhibit B**: A true and correct copy of PETA's Objections to Vital Farms' Nonparty Subpoena, dated December 2, 2022.
- **Exhibit C**: A true and correct copy of the Letter from Abby Meyer, counsel for Vital Farms, to Melissa Alpert in Response to PETA and PETA Foundation's Objections to Vital Farms' Respective Nonparty Subpoenas, dated December 13, 2022.
- **Exhibit D**: A true and correct copy of the email correspondence between Abby Meyer, counsel for Vital Farms, and Melissa Alpert.
- **Exhibit E**: A true and correct copy of the Complaint filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 1 (W.D. Tex. May 20, 2021).
- **Exhibit F**: A true and correct copy of Vital Farms' Motion to Dismiss filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 17 (W.D. Tex. July 26, 2021).
- **Exhibit G**: A true and correct copy of Plaintiffs' Response to Motion to Dismiss filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 22 (W.D. Tex. Sept. 24, 2021).
- **Exhibit H**: A true and correct copy of the Report and Recommendation of the United States Magistrate Judge filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 26 (W.D. Tex. Jan. 31, 2022).
- **Exhibit I**: A true and correct copy of the Joint Rule 26 Report filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 36 (W.D. Tex. May 25, 2022).
- **Exhibit J**: A true and correct copy of Vital Farms' Motion to Quash filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 56 (W.D. Tex. Nov. 22, 2022).
- **Exhibit K**: A true and correct copy of Plaintiffs' Response to Defendant's Motion to Quash filed at *Usler*, Case No. 1:21-cv-00447, Dkt. 60 (W.D. Tex. Dec. 16, 2022).

5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 30, 2022 in Pittsburgh, PA.

  
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Melissa Alpert